

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. VICTOR BERRELLEZA-LEAL,
a/k/a "Don Victor,"
2. CRISTIAN BERRELLEZA-VERDUZCO,
a/k/a "Pampas," "Pampanillas," "Pedro,"
3. VICTOR BERRELLEZA-VERDUZCO,
a/k/a "Vainilla,"
4. JUAN MAGANA-GUZMAN,
a/k/a "Tapanka,"
5. PASCUAL VALENZUELA,
6. JOSE RODLOFO GARCIA BERRELLEZA,
a/k/a. "Rodo,"
7. JOHN DOE I, a/k/a "MULA,"
8. JULIO FRAGA-PEREZ,
9. IVAN BERRELLEZA-VERDUZCO,
10. ENRIQUE MAGANA-GUZMAN,
a/k/a "Kikarine," "Kiki,"
11. JOSUE BARBA-ARRIAGA,
a/k/a "Charro,"
12. JAVIER AREOLA-MARTINEZ,
13. MACALIA VALENZUELA,
14. RIGOBERTO BERRELLEZA-COTA,
a/k/a "Rigo,"
15. JOSE CASILLAS,
a/k/a "Jose Herrera," a/k/a "Jose Lopez,"
16. ALMA BERENICE CASILLAS-GARCIA,
17. JOSE ANTONIO-CRUZ,
a/k/a "Oaxaco,"
18. YOAN CAMPOS BORJORQUEZ,
a/k/a "Tamalito,"

Case No. CR12-0062RSL

ORDER GRANTING
UNITED STATES' MOTION
FOR POST-INDICTMENT
PROTECTIVE ORDER TO
MAINTAIN CUSTODY OF
PROPERTY

19. RAUL ANCHONDO,
a/k/a "Pecce,"
20. GENEVA DAWSON,
21. KENNETH HAWLEY,
22. JOSE MACIAS PERES,
a/k/a "Gordo,"
23. CARLOS SANTA CRUZ,
a/k/a "Charlie,"
24. CARLOS ALBERTO ACOSTA-MARTINEZ,
a/k/a "Junior," a/k/a "Jonathan Able-Rivas,"
25. JEREMY McCROREY,
26. JUSTIN McCROREY,
27. CHRISTOPHER FRICK,
28. RICHARD ANTHONY ORTIZ,
29. MARIA DELCARMEN MAGANA,
30. ROLANDO ROY VELIZ,
31. JUAN ELIZANDO MARTINEZ,
a/k/a "Moma," a/k/a "Martin Gonzalez
Perez,"
32. GEORGE ELLIOTT CHAVIS,
33. NOE MAGELLEON-MIRANDA,
a/k/a "Cascaras,"
34. JUAN CARLOS LUGO-ACOSTA,
a/k/a "Jose Alonso Holguin-Carabayo,"
a/k/a "Alonso,"

Defendants.

This matter comes before the Court on the unopposed motion of the United States (Dkt. # 353) for a protective order to maintain custody of certain property, pursuant to 21 U.S.C. § 853(e)(1)(A) and 18 U.S.C. § 983(a)(3)(C), named for forfeiture in the First Superseding Indictment (Dkt. # 226) filed in this matter on April 24, 2012. Having reviewed the indictment, the United States' motion, and the remainder of the record, the Court GRANTS the motion.

The property to which this Order refers is as follows:

1. **Items Seized at 110 4th Ave. SW, Pacific, WA on March 29, 2012:**
 - a. \$6500 in U.S. Currency;
 - b. Apple Powerbook laptop computer;
 - c. Apple Macbook laptop computer.
2. **Items Seized at 6608 94th St NE, Marysville, WA on March 29, 2012:**
 - a. HP Laptop Computer;
 - b. Sony HandyCam;
 - c. \$356 U.S. Currency;
 - d. Ford Expedition, VIN 1FMFU18L3VLC21550.
3. **Item Seized at 5808 W. Flowing Lake Rd, Snohomish, WA on March 29, 2012:** Dell laptop computer.

- 1 4. **Item Seized at 1029 Bluff Ave, Snohomish, WA on March 29, 2012:** 2003
Cadillac Escalade, VIN 1GYEK63N43R199588.
- 2
- 3 5. **Item Seized at 6830 153rd Ave SE, in Snohomish, WA on March 29, 2012:** one
kilogram press.
- 4 6. **Items seized at 1101 Hewitt Ave, Apt. 103, Everett, WA, March 29, 2012:**
 - 5 a. Mac Book Pro+ laptop computer;
 - 6 b. HP laptop computer;
 - 7 c. 5 iPods;
 - 8 d. \$710 U.S. Currency.
- 9 7. **Items Seized at 811 112th St SW, J106, Everett, WA on March 29, 2012:**
 - 10 a. 2 Compaq Presario laptops computers;
 - 11 b. Lenovo laptop computer;
 - 12 c. Two HP Pavilion laptop computers;
 - 13 d. Gateway laptop computer;
 - 14 e. IBM Thinkpad laptop computer;
 - 15 f. HP Mini laptop computer;
 - 16 g. .38 caliber revolver, make "Arminius," model "Titan Tiger," serial number
0520056;
 - 17 h. Body armor;
 - 18 i. Miscellaneous ammunition, various calibers.
- 19 8. **Items Seized at 14302 57th Dr SE, Everett, WA on March 29, 2012:**
 - 20 a. \$1821 in U.S. Currency;
 - 21 b. Two Digital Cameras;
 - 22 c. iPad;
 - 23 d. 1978 Ford F150, VIN F10GLCC8365;
 - 24 e. 2002 Audi Quattro, VIN WAULT68E82A125569;
 - 25 f. HP Laptop.
- 26 9. **Items Seized at 11410 22 ST SE #A, Everett, WA on March 29, 2012:**
 - 27 a. Six laptop computers;
 - 28 b. \$24,746 in U.S. Currency.
- 29 10. **Items Seized at 7016 47th Ave NE, Marysville, WA on March 29, 2012:**
 - 30 a. One Toshiba laptop computer, S/N 2C223654K;
 - 31 b. One Dell laptop computer, S/N 3X6H531;
 - 32 c. Two iPods;
 - 33 d. One Dell laptop computer.
- 34 11. **Item Seized at 4807 211th Ave SE, Snohomish, WA on March 29, 2012:** One
Dell laptop computer.
- 35 12. **Items Seized at 326 Short Columbia Street, Monroe, WA on March 29, 2012:**
 - 36 a. One Dell laptop computer;
 - 37 b. \$360 in U.S. Currency.
- 38 13. **Item Seized at 11410 22 ST SE #A, Everett, WA on March 29, 2012:** 2002
Chevrolet Avalanche, VIN 3GNEL13T126250099.
- 39 14. **Items Seized at 17091 Blodgett Rd, Mount Vernon, WA, on March 29, 2012:**
 - 40 a. \$69,917 in U.S. Currency;
 - 41 b. Acer laptop computer;

- c. 2 Dell laptop computers;
- d. HP laptop computer;
- e. Gateway laptop computer;
- f. HP Pavilion Laptop,

15. **Item Seized from Aztec Storage, Unit H11 - 650 Pease Road, Burlington, WA on March 29, 2012:** \$242,678 in U.S. Currency

16. **Item Seized from one Kia minivan in Phoenix, Arizona on or about April 3, 2012:** \$173,145 in U.S. Currency.

17. **Items seized from the person of Victor Berrelleza-Verduzco at arrest in Utah on or about March 29, 2012:**

- a. \$2,247 in U.S. Currency;
- b. Acer Aspire laptop computer.

18. **Item seized from Jose Antonio Cruz/Vision Tele Internet on March 29, 2012:** \$10,070 in U.S. Currency.

(hereafter collectively referred to as the "Property").

All of the above-listed Property has been named in the First Superseding Indictment as subject to forfeiture as property constituting, or derived from, proceeds derived from the enumerated offenses or property used, or intended to be used to help facilitate the commission of those crimes. Dkt. # 226 at 26–29. It is currently in the custody of the Homeland Security Investigations and/or the Bureau of Alcohol Tobacco and Firearms and is subject to administrative forfeiture notice and claim proceedings under 18 U.S.C. § 983.

The Court finds that the allegations in the First Superseding Indictment establish the probable cause necessary for the United States' continued restraint and custody of the Property pending conclusion of the criminal forfeiture proceedings in this case and pending further order of the Court. See Conrad v. United States, 447 F.3d 760, 768 (9th Cir. 2006) ("In a federal criminal prosecution, a grand jury finds probable cause."). The United States is thus entitled to the protective order it requests. 21 U.S.C. § 853(e)(1)(A).

It is therefore **ORDERED AND ADJUDGED:**

1. The United States' motion for a protective order is GRANTED.
2. The Property identified above shall remain in the custody of the Homeland Security Investigations and/or the Bureau of Alcohol Tobacco and Firearms pending conclusion of the

1 criminal forfeiture proceedings and further order of this Court.

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3 DATED this 27th day of July, 2012.

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5 
6 ROBERT S. LASNIK
7 United States District Judge

8 Presented by:

9
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